



PATENT  
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RCE/2175  
27049  
HIT  
3/12/04  
A.W.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Andrew H. SOLL *et al.* )  
Application No.: 09/289,044 ) Confirmation No.: 8196  
Filed: April 4, 1999 ) Group Art Unit: 2175  
For: ENHANCED MEDICAL TREATMENT ) Examiner: S.G. Rimell  
SYSTEM )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop RCE  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

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Technology Center 2100

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

[ ] Previously submitted:

[ ] Please enter/consider the amendment(s)/reply under 37 C.F.R. § 1.114 previously filed on \_\_\_\_\_. (Any unentered amendment(s) referred to above will be entered).

[ ] Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

[ ] Other \_\_\_\_\_.

[ ] Enclosed:

[X] Amendment/Reply

[ ] Affidavit(s)/Declaration(s)

[ ] Information Disclosure Statement with PTO Form 1449 and \_\_\_\_\_ cited references

[ ] Other \_\_\_\_\_.

03/05/2004 AWONDAF1 00000170 500310 09289044

01 FC:2801 385.00 DA  
02 FC:2253 475.00 DA  
1-WA/2150015.1

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
 Other \_\_\_\_\_.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

\$770.00

**\$385.00 (for small entity)**

(b) Extension of Time

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>                           | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input type="checkbox"/> one month                      | \$ 110.00                | \$ 55.00                      |
| <input type="checkbox"/> two months                     | \$ 420.00                | \$210.00                      |
| <input checked="" type="checkbox"/> <b>three months</b> | <b>\$ 950.00</b>         | <b>\$475.00</b>               |
| <input type="checkbox"/> four months                    | \$1,480.00               | \$740.00                      |

Extension of time fee due with this request: \$475.00

If an additional extension of time is required, please consider this a Petition therefore.

An extension for \_\_\_\_\_ month(s) has already been secured and the fee paid therefore of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

(c) Suspension of Action under 37 C.F.R. § 1.103(c)

A fee of \_\_\_\_\_ as set out in 37 C.F.R. § 1.17(i).

(d) Excess Claim Fee (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |                                  |       |                             |               |              |            |
|---|----------------------------------|-------|-----------------------------|---------------|--------------|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid | Present Extra | at Rate of   | Total Fees |
| Total Claims (37 C.F.R. §1.16(c))                     | 37                               | minus | 37                          | 0             | x \$18 each= | +\$        |
| Independent Claims (37 C.F.R. §1.16(b))               | 1                                | minus | 3                           | 0             | x \$84 each= | +\$        |
| [ ] First presentation of Multiple dependent claim(s) |                                  |       |                             |               | \$280.00     | +\$        |
| SUB-TOTAL =   |                                  |       |                             |               |              | \$         |
| Reduction by ½ for filing by a small entity           |                                  |       |                             |               |              | -\$        |
| TOTAL FEE =   |                                  |       |                             |               |              | \$         |

**The total fee for this submission: \$860.00**

4. Fee Payment

Check in the amount of \$ \_\_\_\_\_ filing fee is enclosed.

The Director is hereby authorized to charge **\$860.00** (\$385.00 RCE filing fee and \$475.00 three-month extension of time fee) to our Deposit Account No. 50-0310.

5. Additional papers enclosed:

Preliminary Amendment

Declaration of Biological Deposit

Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: March 3, 2004

By:

  
Todd P. Taylor  
Reg. No. 48,513

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